

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

## HARLEY TYNDALL,

**Defendant.**

**8:06CR143**

## ORDER

This matter is before the court on defendant's motion to continue trial [16]. A continuance is necessary because substitute defense counsel was recently appointed.

**IT IS ORDERED** that the motion to continue trial [16] is granted, as follows:

1. Trial is hereby continued from June 27, 2006 to **August 1, 2006**, before Judge Laurie Smith Camp and a jury.
2. The deadline for filing pretrial motions is reopened, and the defendant is given until **June 30, 2006** to file pretrial motions in accordance with paragraphs 3 and 4 of the Progression Order [8].
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **June 27, 2006 and August 1, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of defense counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. Defendant shall file a waiver of speedy trial pursuant to NECrimR 12.1 as soon as is practicable.
4. Counsel for the United States shall confer with defense counsel and, no later than **July 25, 2006**, advise the court of the anticipated length of trial.

**DATED June 15, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**